

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE GOOGLE INC. COOKIE  
PLACEMENT CONSUMER PRIVACY  
LITIGATION

C.A. No. 12-MD-2358 (SLR)

This Document Relates to:  
**All Actions**

**MOTION TO DISMISS  
OF DEFENDANT POINTROLL, INC.**

PointRoll, Inc. (“PointRoll”), through undersigned counsel, respectfully moves the Court to dismiss Plaintiffs’ Claims under the Wiretap Act, 18 U.S.C. § 2510 *et seq.*, the Stored Communications Act (“SCA”), 18 U.S.C. § 2701 *et seq.*, and the Computer Fraud and Abuse Act (“CFAA”), 18 U.S.C. § 1030, against PointRoll under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim and under Federal Rule of Civil Procedure 12(b)(1) for lack of jurisdiction.

WHEREFORE, for the reasons stated in its Memorandum in Support of this Motion, PointRoll respectfully requests the Court to grant this Motion.

A proposed order is attached to this Motion.

Dated: January 22, 2013

By: /s/ Susan M. Coletti

Alan Charles Raul  
Edward R. McNicholas  
SIDLEY AUSTIN LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 736-8000  
Facsimile: (202) 736-8711  
[araul@sidley.com](mailto:araul@sidley.com)  
[emcnicho@sidley.com](mailto:emcnicho@sidley.com)

*Attorneys for Defendant  
PointRoll, Inc.*

Susan M. Coletti (#4690)  
FISH & RICHARDSON P.C.  
222 Delaware Avenue, 17<sup>th</sup> Floor  
P.O. Box 1114  
Wilmington, DE 19899-1114  
Telephone: (302) 652-5070  
[coletti@fr.com](mailto:coletti@fr.com)

*Attorneys for Defendant  
PointRoll, Inc.*